

**MISSOURI STATE AUDITOR'S OFFICE  
FISCAL NOTE (16-022)**

**Subject**

Initiative petition from Jill Carter regarding a proposed constitutional amendment to Article I. (Received February 9, 2015)

**Date**

March 2, 2015

**Description**

This proposal would amend Article I of the Missouri Constitution.

The amendment is to be voted on in November 2016.

**Public comments and other input**

The State Auditor's office requested input from the **Attorney General's office**, the **Department of Agriculture**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education**, the **Department of Health and Senior Services**, the **Department of Insurance**, **Financial Institutions and Professional Registration**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, the **Department of Social Services**, the **Governor's office**, the **Missouri House of Representatives**, the **Department of Conservation**, the **Department of Transportation**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Missouri Senate**, the **Secretary of State's office**, the **Office of the State Public Defender**, the **State Treasurer's office**, **Adair County**, **Boone County**, **Callaway County**, **Cass County**, **Clay County**, **Cole County**, **Greene County**, **Jackson County Legislators**, **Jasper County**, **St. Charles County**, **St. Louis County**, **Taney County**, the **City of Cape Girardeau**, the **City of Columbia**, the **City of Jefferson**, the **City of Joplin**, the **City of Kansas City**, the **City of Kirksville**, the **City of Mexico**, the **City of Raymore**, the **City of St. Joseph**, the **City of St. Louis**, the **City of Springfield**, the **City of Union**, the **City of Wentzville**, the **City of West Plains**, **Cape Girardeau 63 School District**, **Hannibal 60 School District**, **State Technical College of Missouri**, **Metropolitan Community College**, **University of Missouri**, and the **St. Louis Community College**.

**Assumptions**

Officials from the **Attorney General's office** (AGO) indicated this proposal allows any parent whose rights have been adversely affected by governmental action to file suit

challenging the constitutionality of the governmental action and to seek damages against the governmental entity responsible for the violation of the parent's rights. The AGO is under a legal obligation to represent various state departments and agencies. Therefore, the AGO assumes that any potential costs arising from this proposal can be absorbed with existing resources but may seek additional appropriations if the proposal results in a significant increase in cases.

Officials from the **Department of Agriculture** indicated no fiscal impact on their department.

Officials from the **Department of Economic Development** indicated no impact for their department.

Officials from the **Department of Elementary and Secondary Education** indicated there will be unknown costs incurred by local school districts to obtain parents' explicit permission.

Officials from the **Department of Higher Education** indicated they have determined it would not have a direct fiscal impact on their department. However, subsection 2 of section 36 states, in part, that "neither the parent nor child shall in any way be punished or penalized if the parent refuses such permission." The Department of Higher Education administers several state funded student aid programs that require the submission of information about the student and, in some instances, their family in order to determine their eligibility to receive funds through those programs. A parent's refusal to provide such information makes it impossible for the department to determine the eligibility of the student and, therefore, to provide the student with an award under such a program. It is not clear if this could be interpreted as penalizing the student as would be prohibited by this provision of the petition.

Officials from the **Department of Health and Senior Services** (DHSS) indicated this proposal will have an unknown fiscal impact on state and federal funds, and no impact on local funds.

This proposal will have an unknown economic impact on small businesses. DHSS works with numerous small businesses to carry out its public health functions and does not know what impact the proposed may have to these entities.

Section 36.2 would prohibit DHSS from collecting or sharing any information or data about a child without the explicit consent of the parent. There are many public health functions authorized by current law that involve the collection or sharing of data which do not require the explicit consent of the parent. These functions have been legislated by federal and state statutes and implemented over the years because the timely and complete collection and/or sharing of data are critical to preventing the loss of life, minimize the consequences of a congenital anomaly or condition, stopping the spread of dangerous and costly communicable diseases, and supplying data to improve the overall

population health of Missourians. This proposal would supersede these federal and state laws resulting in a destruction of the essential functions of public health.

Section 36.2 of the proposed constitutional amendment would result in an unknown negative fiscal impact for the Division of Community and Public Health.

First, there would be costs to establish partnerships and processes to acquire explicit consent. Requiring explicit consent would require the assistance of many stakeholders to the public health system, such as hospitals, direct care providers, laboratories, schools, etc. These entities are the primary providers of services and acquire the data initially. Collecting the explicit consent will also require the establishment of forms, modifications to existing electronic information systems, new information systems, and additional staff to collect and track the consents. These stakeholders may also request funding in order to assist the department in obtaining the explicit consent.

Secondly, there would be treatment costs and societal costs associated with the time delays in collecting and reporting of critical data should explicit consent be required. For example, elevated blood lead levels in children would not be automatically reported to DHSS. A healthcare provider would first need to obtain the parent's consent in order to report the result to the department. The time lost to this process results in a delay of the department initiating an environmental health risk assessment and working with the local public health agency to initiate nursing case management in order to reduce the blood lead level. The most devastating scenario would be the consequences (loss of life) if a parent refused to give this consent. Timely treatment of elevated blood lead levels is essential to minimizing medical intervention and cognitive impairments. Another example would be the reporting of tuberculosis infection. If reported timely, the treatment may be outpatient and of less program cost to the department than an infection that needs intensive inpatient care. A third example would be that the potential lack of reporting just one incident of a reportable communicable disease spirals into an outbreak jeopardizing the health of an unquantifiable number of Missourians. There are endless examples of how timely intervention through the department programs results in the increased likelihood of positive health outcomes and reduced societal and medical costs.

Thirdly, this amendment would likely result in the loss of quality data and diminish the data surveillance activities of the department. The ability to collect comprehensive sets of data will remove the department's greatest tool in identifying disease trends that guide targeted health outreach and prevention activities. Common health indicators regarding births, fetal deaths, abortions, teen pregnancy, and smoking rates are examples of some of the data that may no longer be available. The inability to work on improving health outcomes will lead to higher medical, societal and program costs in the future. It is also likely that Missouri would see a loss in federal grant funds for activities that fund disease prevention and require frequent and complete data reports. It is also likely that Missouri could miss new federal funding opportunities because of the lack of data to prove Missouri's need compared to national and other state's data.

A listing of current public health activities that would have direct impact from this amendment include:

- birth certificate registration
- newborn blood spot screening
- newborn hearing screening
- critical congenital heart disease screening
- childhood lead prevention and environmental risk assessment/nursing case management for elevated blood lead levels
- data collection and evaluation from patient abstract data reported by hospitals and ambulatory surgery centers
- infectious and communicable disease surveillance and investigation
- healthcare associated infection surveillance
- state immunization registry

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** indicated this petition, if passed, will have no cost or savings to their department.

Officials from the **Department of Mental Health** indicated this proposal creates no direct obligations or requirements to their department that would result in a fiscal impact.

Officials from the **Department of Natural Resources** indicated their department would not anticipate a direct fiscal impact from this proposal.

Officials from the **Department of Corrections** indicated no impact.

Officials from the **Department of Labor and Industrial Relations** indicated no fiscal impact.

Officials from the **Department of Revenue** indicated this initiative petition will not have an impact on their department.

Officials from the **Department of Public Safety** indicated there is no fiscal impact for their department.

Officials from the **Department of Social Services** indicated this proposal will have an unknown fiscal impact on state, federal, and local funds.

This proposed amendment could have significant impact on small businesses who work with children in the state. The impact is unknown.

The long range implications of this proposal to amend the constitution are significant both fiscally and programmatically.

Should the constitution be amended in accordance with this proposal, the Children's Division would expect significant cost savings initially, due to necessary programmatic changes to come into compliance with the provisions of this proposed petition.

The Children's Division's ability to conduct child abuse and neglect investigations and assessments, provide protective services and ensure children's safety would be significantly reduced.

The cost savings experienced initially by the Children's Division will likely result in a failure to protect children, ensure safety, and otherwise provide the necessary services to offer the best chance for abused and neglected children to become independent, responsible, self-sufficient adults free from the future need of government intervention.

A study by Prevent Child Abuse America cites the indirect costs that result as a consequence of child abuse such as:

- Special Education and Early Intervention Services – Many children who have suffered abuse require special education services and early intervention services to manage developmental delays. The rate of special education services is 6% higher than the national average for children who have been maltreated.
- Emergency/Transitional Housing - Children who experience abuse are more likely to experience homelessness as adults. Of children who experience childhood physical abuse, 27.8% experience homelessness as adults.
- Mental Health and Health Care - The average annual cost of physical and mental health care is \$591 higher for women who experienced physical or sexual abuse as children.
- Juvenile Delinquency – 27% of children who have experienced maltreatment will engage in acts of juvenile delinquency.
- Adult Criminal Justice – 13% of all violent crime can be attributed to early childhood maltreatment.

[https://www.preventchildabusenc.org/assets/preventchildabusenc/files/\\$cms\\$/100/1299.pdf](https://www.preventchildabusenc.org/assets/preventchildabusenc/files/$cms$/100/1299.pdf)

The department believes the societal costs of not doing child abuse and neglect investigations would exceed any potential cost savings experienced.

This petition request proposes a constitutional amendment related to governmental interference with parental rights.

If the constitution were to be amended in accordance with the language in this petition, the Children's Division would be impacted fiscally and programmatically. The Children's Division's ability to investigate child abuse and neglect, ensure children's safety, and provide protective services to children and families would be significantly impacted.

In section 36.1, the constitution would be amended to state that every parent has a fundamental right to exercise exclusive control over all aspects of their minor children's

lives without governmental interference, including, but not limited to, decisions regarding their minor children's custody, upbringing, education, religious instruction, discipline, physical and mental health care, and place of habitation; provided, this fundamental right shall not extend to any decision or action by a parent that threatens clear, immediate, and substantial physical injury to the minor child, nor shall it permit a parent to compel a minor child to have an abortion.

Because this section specifically requires the threat of "clear, immediate, and substantial physical injury to the minor child" for the government to intervene, the Children's Division would not be able to conduct any investigations, including sexual abuse allegations, in the same manner as currently allowed by law, that do not have the elements which include "the threat of clear, immediate, and substantial physical injury." In addition, the Children's Division would not be able to conduct any family assessments or newborn crisis assessments or respond to any other reports made to the Child Abuse and Neglect hotline that do not involve a threat of clear, immediate, substantial physical injury. This section would create an initial cost savings to the Children's Division. This provision would significantly jeopardize the Children's Division ability to ensure child safety.

In section 36.2, the constitution would be amended to require the government to obtain parental permission before gathering or sharing information about their child or the child's family for purposes not directly related to a criminal investigation, or if enrolled in a public school, the child's knowledge of academic subjects. Neither the parent nor the child could be penalized for refusing such permission.

This section, as with the previous section, would create an initial cost savings for the Children's Division, but because it requires parental permission before any information could be gathered unless it is directly related to a criminal investigation, the Children's Division's ability to respond to reports that do not rise to the level of a criminal investigation would be significantly hindered, if not halted. These reports would include, but not be limited to, family assessments and newborn crisis assessments. This provision would prevent Children's Division workers from gathering any information about the child and/or family, even from other sources, in an effort to accurately evaluate allegations that do not rise to the level of a criminal investigation, thus preventing the Children's Division from being able to offer or provide protective services.

In section 36.3, the constitution would be amended to allow parents the rights to decide the educational setting which will best prepare their children to meet the obligations of responsible adulthood, including public, private, parochial or to educate them at home.

This section would eliminate the Children's Division's ability and obligation to investigate reports of educational neglect made to the Child Abuse and Neglect hotline.

In section 36.4, the constitution would be amended to ensure the government interference in parental rights is only justified if, 1) the interference is temporary and limited to the duration necessary to protect a child from a "clear, immediate, and substantial threat of

physical injury; 2) a court of law has already made a finding by clear and convincing evidence that a parent has knowingly exposed a child to neglect, abandonment, reckless endangerment, or physical abuse, as each of those terms are defined by state statute; 3) a court of law has found by clear and convincing evidence that a parent is mentally incompetent as defined by state statute; 4) a court of law has ruled that minor child is emancipated in accordance with state statutes; 5) a court of law has assumed jurisdiction of a minor charged with violating or found beyond a reasonable doubt to have violated a criminal statute; 6) or a court of law has assigned parental rights to one parent or someone other than a biological parent as a result of adoption or marital dissolution. If, after considering evidence, a judge has first determined that a government entity has probable cause to believe that a parent has subjected their child to criminal physical abuse, neglect, or endangerment, it shall not be considered interference with parental rights acknowledged in this section for the government entity to question the parent or the child about the alleged crime, or for police to obtain a warrant to search the parent's home for evidence of the suspected crime.

This section would significantly hinder the Children's Division's ability to respond to allegations of child abuse and neglect in a timely or practical manner. In conjunction with prior sections of this petition, the Children's Division would be prohibited from conducting the investigative work necessary for the court to consider whether or not clear and convincing evidence exists that there is a "clear, immediate, and substantial threat of physical injury" to the child. The Children's Division would not only be unable to investigate, assess, or gather the necessary information to justify its actions, but it would not be able to investigate, assess, or gather the information necessary to determine whether or not allegations of child abuse and neglect have any merit or whether or not a child is safe. Like previous sections, this section would create a reduction in responsibilities for the Children's Division and result in initial cost savings, but would also jeopardize child safety.

In section 36.5, the constitution would be amended to allow parents who believe their rights have been violated or adversely affected by any governmental agency or by any statute, regulation, ordinance or policy to file a lawsuit challenging the constitutionality as such and seek damages. In addition, in consideration of such lawsuits, the courts must evaluate the constitutionality of the statutes, regulations, etc. based upon competent evidence and award damages a reasonable attorney's fees for any infringement of the constitutional rights.

This section would create a fiscal impact to the Children's Division as it would assume the legal costs of defending its actions in response to all lawsuits filed as a result of this section or the proceeding sections of this proposal to amend the constitution.

In section 36.6, the constitution would be amended to include a child's legal guardian in the definition of "parent".

This section would have the same impact as stated previously related to all sections of this proposal related to parental rights.

In addition, the Division of Legal Services represents the Children's Division in juvenile court cases and receives funding from the federal IV-E program in order to provide such representation. If this constitutional initiative is approved by the voters, it is expected to provide a legal argument to challenge the constitutionality of current law governing juvenile courts. The department expects that this will result in significant litigation involving the Department of Social Services, Juvenile Offices and the Attorney General's office. At the present time the juvenile courts have placed approximately 13,000 children in foster care with the Children's Division. In the event that every parent's attorney filed a motion contesting jurisdiction in each of the 13,000 children's cases, the Children's Division would require legal representation by the Division of Legal Services in each of these 13,000 cases. The American Bar Association standards for agency representation in juvenile court indicates that a case load for a state agency cases is about 40 cases, with 60 cases being considered unmanageable. This would mean that the department would need approximately 60- 200 additional attorneys to handle the cases. It is also possible that the need for additional attorneys would be needed to handle litigation over how the law should be applied. Once the Missouri Supreme Court establishes clear precedent on how the law is to be applied then the need for additional attorneys may decrease. However, it is cannot be predicted at the present time how many motions would be filed. It is also unknown how the Courts will rule on how the language may impact current statutes governing juvenile court process. If the courts should determine that this constitutional initiative does not impact current statutory requirements then there would be no current fiscal impact upon the Division of Legal Services. If the courts determine that current laws governing the removal of children are unconstitutional there could be a significant drop in the number of children being brought into care in the first place, thereby reducing the need for additional attorneys. With so much uncertainty on how the proposed amendment would be interpreted and applied the current fiscal impact upon the Division of Legal Services is unknown.

#### Additional Comments:

This proposed constitutional amendment significantly affects the Missouri Children's Division by proposing a constitutional amendment which would prohibit governmental interference with parental rights. Approval of this initiative petition request would seriously restrict the ability of the Missouri Children's Division to perform many of its statutorily required duties and to receive federal reimbursement for conducting child abuse and neglect investigations and for operating its foster care program. The proposed amendment will call into question the constitutionality of Missouri's child protection system. The current statutory definitions of child abuse and child neglect, for example, would be inconsistent with this proposed constitutional amendment. Child neglect that does not threaten "clear, immediate, and substantial physical injury" to a minor child would no longer be considered neglect. Sexual abuse would no longer be considered to be a form of child abuse. The amendment can reasonably be expected to generate significant litigation in the courts and would require a review and probably rewrite of Missouri's child protection statutes.



The ability of the Children's Division to investigate child abuse and neglect, to ensure children's safety, and to provide services to children and families would be significantly hindered. This would lead to a violation of the state plan required by the Child Abuse and Prevention Act (CAPTA) as currently set out in 42 USC§5106 et seq. Passage of this initiative would immediately subject the Children's Division to risk for losing its federal funding under CAPTA.

Section 36.1 provides that every parent has a fundamental right to exercise exclusive control over all aspects of their minor children's lives without governmental interference, including, but not limited to, decisions regarding their minor children's custody, upbringing, education, religious instruction, discipline, physical and mental health care, and place of habitation; provided, this fundamental right shall not extend to any decision or action by a parent that threatens clear, immediate, and substantial physical injury to the minor child, nor shall it permit a parent to compel a minor child to have an abortion. This section significantly raises and changes the current legal standard by which a parent's right to custody may be abridged. For instance, under this section a parent may neglect the welfare of a child or sexually abuse a minor child without having an effect on the parent's right to custody.

This section would prevent the Children's Division from conducting investigations or assessments in the manner currently authorized by law. This is because the proposed amendment would require evidence of a threat of "clear, immediate, and substantial physical injury to the minor child" before any form of governmental interference could take place. This provision could significantly jeopardize the Children's Division ability to ensure a child's safety. The proposed amendment does not include sexual abuse as a threat that would authorize governmental interference. It also does not include other known, significant threats to child welfare and safety such as drug abuse. Finally, in many cases of child abuse or neglect are emergencies based upon incomplete information. Increasing the standard of proof will make it impossible for child protection authorities to take prompt action in cases where there is less than clear and convincing evidence.

Section 36.2 requires a governmental agency to obtain parental permission before gathering or sharing information about a child or the child's family for purposes not directly related to a criminal investigation. Because child abuse and neglect investigations are not criminal investigations, the Children's Division would need to obtain parental permission prior to gathering any information about a child. In essence, the Children's Division would need a parent's permission to conduct a hotline investigation or assessment. This section provides that a parent or a child cannot be punished or penalized if the parent refuses such permission. As a result, the Children's Division will be able to conduct child abuse and neglect investigations and assessments under Section 210.145 RSMo only when a parent gives permission to conduct the investigation or assessment. This section does not address the question about what should occur when only one parent grants permission for gathering or sharing information about a child and whether the consent of both parents is required. Accordingly, the ability of the Children's Division to conduct investigations and family assessments under Section 210.145 RSMo would be

significantly hampered. Because the Children's Division would be unable to provide protective services in many circumstances, the safety of many children will be in jeopardy.

Section 36.3 allows a parent the right to decide the educational setting for his or her children, including public schooling, private schooling, parochial schooling or home schooling. This would prevent the Children's Division from conducting investigations or assessments based upon educational neglect. This would also result in a new interpretation of neglect under Section 210.110 RSMo by excluding "education as required by law" from the definition.

Section 36.4 provides that governmental interference in parental rights is only justified if, 1) the interference is temporary and limited to the duration necessary to protect a child from a "clear, immediate, and substantial threat of physical injury; 2) a court of law has already made a finding by clear and convincing evidence that a parent has knowingly exposed a child to neglect, abandonment, reckless endangerment, or physical abuse, as each of those terms are defined by state statute; 3) a court of law has found by clear and convincing evidence that a parent is mentally incompetent as defined by state statute; 4) a court of law has ruled that minor child is emancipated in accordance with state statutes; 5) a court of law has assumed jurisdiction of a minor charged with violating or found beyond a reasonable doubt to have violated a criminal statute; 6) or a court of law has assigned parental rights to one parent or someone other than a biological parent as a result of adoption or marital dissolution. This section significantly impacts the ability of a juvenile court to assume custody of a minor child. It substantially changes the manner in which juvenile court petitions are filed and the manner in which children are removed from a parent's custody. It may also render unconstitutional some portions of the probate code relating to minor guardianships. It is particularly important to note that this subsection does not include sexual abuse as one of the factors that authorizes a court to authorize governmental action. This will severely limit the ability of courts and juvenile authorities to protect children in cases of known or suspected sexual abuse.

Missouri Supreme Court Rule 123.01 authorizes a juvenile to be taken into judicial custody pursuant to an order of court or by a law enforcement officer or physician who has reasonable cause to believe that the juvenile is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect. The comment to this rule cites the case of *Heartland v. Waddle*, 427 F.3d 525 (8th Cir. 2005) as a reference for when a juvenile may be taken into judicial custody. Section 36.4 changes this well-established standard and would subsequently prevent the operation of Missouri Supreme Court Rules 123.03 and 123.04 relating to temporary protective custody. Section 36.4 raises the standard for continued removal of a child from the probable cause standard to believe that juvenile jurisdiction exists under Section 211.031 RSMo to a standard requiring a finding by clear and convincing evidence. As a result, this section discourages the taking of any child into either judicial custody or temporary protective custody unless there is also a court adjudication by clear and convincing evidence. In conjunction with the inability of the Children's Division to conduct child abuse and neglect investigations and assessments, this section will have a profound effect upon the

juvenile court system as a whole. It may be essentially impossible for a juvenile officer to present a case to a juvenile court that would result in clear and convincing evidence of child abuse or neglect without first being having been given the ability or opportunity to gather evidence necessary for the court to consider.

Section 36.5 provides a parent who believes his or her rights to have been violated or adversely affected by any governmental agency or by any statute, regulation, ordinance or policy to file a lawsuit challenging the constitutionality of such and to seek damages. This section would have a considerable chilling effect upon any person or governmental agency participating in the juvenile court process and the investigation of reports of child abuse and neglect. Child abuse investigators will be faced with the impossible choice of taking reasonable steps to protect a child from sexual abuse, physical abuse or neglect and risking personal liability for damages in court. The department can reasonably expect that this will result in fewer qualified individuals entering the field of child protection. The imposition of civil liability for damages will open the door for many lawsuits. The defense of these lawsuits will be expensive. It is simply not possible to give an accurate estimate of the potential liability, but it could easily exceed a million dollars per year. This section would create an impact upon state legal defense fund and the Office of the Attorney General which defends the fund.

The Children's Division receives appropriations from the legislature each year for funds in excess of \$100 million so that the Children's Division may conduct a foster care program. The foster care program is substantially supported by money provided through the federal IV-E program. Section 36 will inevitably lead to violations of the state plan for foster children and it is probable that this will result in the loss of federal dollars that support the state's foster care program.

Officials from the **Governor's office** indicated there should be no fiscal impact to their office.

Officials from the **Missouri House of Representatives** indicated no fiscal impact to their office.

Officials from the **Department of Conservation** indicated that no adverse fiscal impact to their department would be expected as a result of this proposal.

Officials from the **Office of Administration** indicated:

This initiative petition amends Article I, of the Missouri Constitution by adding Section 36. The addition to the Bill of Rights states that parents have the right to exercise exclusive control over all aspects of their minor children's lives without governmental interference. However, the government can intervene in certain circumstance when the child is in danger of physical injury or when the parent is declared mentally incompetent. The new provision would also prevent the government from collecting or sharing information about children unless it is directly related to a criminal investigation. Any

parent may file a lawsuit if they feel their rights have been adversely affected by any statute, regulation, ordinance, policy or other act of governmental authority.

To the extent a court awards damages and attorney's fees for infringement of this constitutional right payable by the state, this proposal could have a fiscal impact to their office through additional Legal Expense Fund payments.

Officials from the **Office of State Courts Administrator** indicated there is no fiscal impact on the courts.

Officials from the **Missouri Senate** indicated no fiscal impact on the operations of their office.

Officials from the **Secretary of State's office** indicated their office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. Through FY 2013, the appropriation had historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2013, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$2.17 million to publish (an average of \$434,000 per issue). In FY 2015, the General Assembly changed the appropriation so that it was no longer an estimated appropriation and the Secretary of State's Office was appropriated \$1.19 million to publish the full text of the measures. Due to this reduced funding, the Secretary of State's office reduced the scope of the publication of these measures. In FY 2015, at the August and November elections, there were 9 statewide Constitutional Amendments or ballot propositions that cost \$1.1 million to publish (an average of \$122,000 per issue). Despite the FY 2015 reduction, the Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, our office reserves the right to request funding to meet the cost of its publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Officials from the **Office of the State Public Defender** indicated this initiative petition will not have any substantial impact on their office.

Officials from the **State Treasurer's office** indicated no impact to their office.

Officials from **Jasper County** indicated no significant effect on budget of their county.

Officials from the **City of Kansas City** indicated:

Section 1 could be construed such that unvaccinated children could no longer be excluded from school in the event of an outbreak. This would seriously impact public health and have a negative fiscal impact on cities.

Sections 2 and 5 have an exception for criminal matters. However, traffic code violations and other ordinance violations are quasi-criminal in nature. These sections could be construed to prohibit police officers from obtaining drivers' license/permit information from 15, 16 and 17-year olds, writing them traffic tickets, and then prosecuting them in municipal courts. The same applies to disturbing the peace, loitering, and other ordinance violations. If city ordinances can't be enforced against minors without the parent's consent because they are quasi-criminal and not criminal, there will be a tremendous financial impact if cities are unable to preserve public peace and public safety.

These costs cannot be estimated.

Officials from the **City of St. Joseph** indicated there is no obvious cost savings or fiscal impact on the city unless frivolous lawsuits arise from the authority provided in section 5.

Officials from **Metropolitan Community College** indicated this has no financial impact on their college.

The State Auditor's office did not receive a response from the **Department of Transportation, Adair County, Boone County, Callaway County, Cass County, Clay County, Cole County, Greene County, Jackson County Legislators, St. Charles County, St. Louis County, Taney County, the City of Cape Girardeau, the City of Columbia, the City of Jefferson, the City of Joplin, the City of Kirksville, the City of Mexico, the City of Raymore, the City of St. Louis, the City of Springfield, the City of Union, the City of Wentzville, the City of West Plains, Cape Girardeau 63 School District, Hannibal 60 School District, State Technical College of Missouri, University of Missouri, and St. Louis Community College.**

## **Fiscal Note Summary**

Any potential costs or savings from this proposal to state and local governmental entities is unknown. However, the proposal's passage will likely lead to increased litigation-related costs and impact the ability of state and local governments to provide certain health and welfare services.